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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/848,818

05/19/2004

David A. Kitch

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1772

MAIL DATE

DELIVERY MODE

07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/848,818

Applicant(s)

KITCH ET AL.

Examiner

Patricia L. Nordmeyer

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Withdrawn Rejections

1. The 35 102(b) rejection of claims 1, 2, 5, 8 – 11 and 13 – 17 as anticipated by Begelfer et al. (USPN 4,915,994) in the office action dated April 4, 2007 is withdrawn due to Applicant's arguments and amendments in the response dated June 7, 2007.
2. The 35 102(b) rejection of claims 1, 2, 5 – 11 and 13 – 19 as anticipated by Smith (USPN 6,086,995) in the office action dated April 4, 2007 is withdrawn due to Applicant's arguments and amendments in the response dated June 7, 2007.
3. The 35 102(b) rejection of claims 1, 5 – 11 and 13 – 22 as anticipated by Dollinger (USPN 5,151,309) in the office action dated April 4, 2007 is withdrawn due to Applicant's arguments and amendments in the response dated June 7, 2007.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5 – 11 and 13 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Riggsbee (USPN 4,767,654).

Riggsbee discloses a multilayer composite comprising a dimensionally unstable face stock (Figures 1 and 2, #2) having bottom and top surfaces (Figures 1 and 2, #2), at least the bottom surface of said face stock being printed with graphics between the face stock and adhesive (Column 5, lines 52 - 57) and a carrier sheet removably laminated directly to the top surface of said face stock at an interface there between (Figure 3, #1; Column 4, lines 1 - 5) in claims 1, 18, 19 and 22. As in claim 2, the face stock comprises a film selected from the group consisting of polyethylene, polypropylene, polyester and polyurethane (Column 4, lines 36 - 45). The face stock has a thickness of 1 mil (Column 7, lines 40 - 47) as in claims 6 and 7. With regard to claims 1, 5, 8 - 11, 13 - 16 and 22, it is inherent that the multilayer composite distorts less than 1.0% in either the machine or cross machine direction when in an unrestrained state and exposed to temperatures above about 140°F and when subjected to tension greater than about 0.5 PLI, has a low flexural stiffness, has elongation characteristics as measured in accordance with ASTM D 8-22 greater than 50% in at least one direction, has elongation characteristics greater than 100% in at least one direction, has a stiffness greater than about 60 grams, the bond strength at said interface is less than the respective tensile strengths of said face stock and said carrier sheet and the yield strength of the said face stock, the bond strength as measured in accordance with FTM3 is less than 60, 100 or 200 grams per 2 inch width and the stiffness and tensile strength of the carrier sheet prevents distortion since Riggsbee discloses the same material as claimed (Column 4, lines 36 - 45; Column 7, lines 40 - 47) and overlapping properties (Column 3, lines 6 - 15). A liner is releasably adhered by means of a pressure sensitive adhesive to the bottom surface of the face stock material (Figure 1) as in claim 17. The carrier sheet is an extrusion-coated film of polyester (Column 4, lines 26 - 35) as in claims 20 and 21.

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Response to Arguments


6. Applicant's arguments with respect to claims 1, 2, 5 – 11 and 13 – 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln